

**RULES
OF
THE BOARD OF REGENTS
OF THE
STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE
INSTITUTIONAL STUDENT DISCIPLINARY RULES**

**CHAPTER 0240-3-10
DYERSBURG STATE COMMUNITY COLLEGE
STUDENT DISCIPLINARY RULES**

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0240-3-10-.01 INSTITUTION POLICY STATEMENT.

- (1) Admission to an institution of higher education carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by non-students. In recognition of the special relationship that exists between the institution and the academic community which it seeks to serve, the Tennessee Board of Regents has authorized the President of the College to take such action as may be necessary to maintain campus conditions and preserve the integrity of the institution and its educational environment.
- (2) Pursuant to this authorization and in fulfillment of its duty to provide a secure and stimulating atmosphere in which individual and academic pursuits may flourish, the Tennessee Board of Regents has developed regulations which are intended to govern student conduct on the several campuses under its jurisdiction, and which regulations may be expanded or supplemented by each institution subject to Board approval. In addition, students are subject to all national, state and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects the institution's pursuit of its educational objectives, the institution may enforce its own regulations regardless of any proceeding instituted by other authorities. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the institution whether or not such conduct is simultaneously in violation of state, local, or national laws.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed July 14, 1992; effective October 28, 1992.

0240-3-10-.02 DISCIPLINARY OFFENSES.

- (1) Generally, through appropriate due process procedures, institutional disciplinary measures shall be imposed for conduct which adversely affects the institution's pursuit of its educational objectives, which violates or shows a disregard for the rights of other members of the academic community, or which endangers property or persons on institution or institution-controlled property.
- (2) Individual or organizational misconduct which is subject to disciplinary sanction shall include but not be limited to the following examples:
 - (a) Conduct dangerous to others. Any conduct which constitutes a serious danger to any person's health, safety or personal well-being, including any physical abuse or immediate threat of abuse;

(Rule 0240-3-10-.02, continued)

- (b) Hazing. Hazing means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
- (c) Disorderly conduct. Any individual or group behavior which is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs other groups or individuals;
- (d) Obstruction of or interference with institutional activities or facilities. Any intentional interference with or obstruction of any institutional activity, program, event or facilities, including the following:
 - 1. Any unauthorized occupancy of institution or institutionally controlled facilities or blockage of access to or from such facilities.
 - 2. Interference with the right of any institution member or other authorized person to gain access to any institution or institutionally controlled activity, program, event or facilities.
 - 3. Any obstruction or delay of a campus security officer, fireman, or any institution official in the performance of his/her duty.
- (e) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring or unauthorized use of property belonging to the institution including, but not limited to, fire alarms, fire equipment, elevators, telephones, institution keys, library materials and/or safety devices; and any such act against a member of the institution community or a guest of the institution;
- (f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or unauthorized possession or sale of institution property or any such act against a member of the institution community or a guest of the institution;
- (g) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of institution documents, forms, records or identification cards, including the giving of any false information, or with holding of necessary information, in connection with a student's admission, enrollment or status in the institution;
- (h) Firearms and other dangerous weapons. Any possession of or use of firearms or dangerous weapons of any kind. T.C.A. §39-17-1309 prohibits the possession of weapons, including firearms, on any property owned, used or operated by TBR.
- (i) Explosives, fireworks, and flammable materials. The unauthorized possession, ignition or detonation of any object or article which would cause damage by fire or other means to persons or property or possession of any substance which could be considered to be and used as fireworks;
- (j) Alcoholic beverages. The use and/or possession of alcoholic beverages on college owned or controlled property;

(Rule 0240-3-10-.02, continued)

- (k) Drugs. The unlawful possession or use of any drug or controlled substance (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance;
 - (l) Gambling. Gambling in any form;
 - (m) Financial irresponsibility. Failure to meet financial responsibilities to the institution promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to a member of the institution community acting in an official capacity;
 - (n) Unacceptable conduct in hearings. Any conduct at an institutional hearing involving contemptuous disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing;
 - (o) Failure to cooperate with institutional officials. Failure to comply with directions of institutional officials acting in the performance of their duties;
 - (p) Violation of general rules and regulations. Any violation of the general rules and regulations of the institution as published in the official institutional publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action;
 - (q) Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses, or the aiding and abetting of the commission of any of the foregoing offenses (an “attempt” to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission);
 - (r) Violations of state or federal laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
- (3) Disciplinary action may be taken against a student for violations of the foregoing Regulations which occur on institutionally owned, leased, or otherwise controlled property, or which occur off-campus when the conduct impairs, interferes with or obstructs any institutional activity or the missions, processes and functions of the institution. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, which poses a substantial threat to persons or property within the institutional community.
- (4) For the purposes of these Regulations, a “student” shall mean any person who is registered for study at the College and/or any institution in the State University and Community College System of Tennessee for any academic period. A person shall be considered a student during any period which follows the end of an academic period which the student has completed until the last day for registration for the next succeeding regular academic period, and during any period while the student is under suspension from the institution.

Authority: T.C.A. § 49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 29, 2000; effective December 29, 2000.

0240-3-10.03 ACADEMIC AND CLASSROOM MISCONDUCT.

- (1) The instructor has the primary responsibility for control over classroom behavior and maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct violative of the general rules and regulations of the institution. Extended or permanent exclusion from the classroom or further disciplinary action can be effected only through appropriate procedures of the institution.
- (2) Plagiarism, cheating, and other forms of academic dishonesty are prohibited. Students guilty of academic misconduct, either directly or indirectly through participation or assistance, are immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions which may be imposed through the regular institutional procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course.
- (3) If the student believes that he/she has been erroneously accused of academic misconduct and if his/her final grade has been lowered as a result, the student may initiate an appeal through the Office of the Vice President for the College who will fully explain all appeal options and assure due process.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed November 26, 1997; effective March 30, 1998.

0240-3-10.04 DISCIPLINARY SANCTIONS.

- (1) Upon a determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these Regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate institution officials.
- (2) Definition of Sanctions.
 - (a) Restitution. A student who has committed an offense against property may be required to reimburse the institution or other owner for damage to or misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair or replacement.
 - (b) Warning. The appropriate institutional official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action.
 - (c) Reprimand. A written reprimand, or censure, may be given any student or organization whose conduct violates any part of these Regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he or she is in effect being given another chance to conduct himself or herself as a proper member of the institution community, but that any further violation may result in more serious penalties.
 - (d) Restriction. A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent the institution in any way, denial of use of facilities, parking privileges, participation in extracurricular activities or restriction of organizational privileges.
 - (e) Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these Regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of the probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these Regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.

(Rule 0240-3-10-.04, continued)

- (f) Suspension. If a student is suspended, he or she is separated from the institution for a stated period of time with conditions of readmission stated in the notice of suspension.
 - (g) Expulsion. Expulsion entails a permanent separation from the institution. The imposition of this sanction is a permanent bar to the student's readmission to the institution.
 - (h) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of these Regulations should not be altered until a final determination has been made in regard to the charges against him, summary suspension may be imposed upon a finding by the appropriate institutional official that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the institution community or its guests, destruction of property, or substantial disruption of classroom or other campus activities. In any case of immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.
- (3) The President of the College is authorized, in his or her discretion, to subsequently convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed August 29, 2000; effective December 29, 2000.

0240-3-10-.05 DISCIPLINARY PROCEDURES. The administration of discipline is a function of the Office of the Vice President for the College. Discipline procedures will be such as to guarantee due process in determining disciplinary penalties. Misconduct involving the violation of College regulations shall be reported to the Vice President for the College, who shall investigate the validity of the alleged misconduct. If the results of the investigation indicate a disciplinary penalty seems appropriate, the student shall be so advised. In each case, the following procedures shall apply:

- (1) Conference with the Vice President for the College.
 - (a) The Vice President for the College shall direct the student to appear for a conference with the Vice President for the College;
 - (b) At the conference the student shall be:
 - 1. Advised, at the beginning of the conference, of the alleged violation(s);
 - 2. Advised of the basis of the allegation(s);
 - 3. Granted the opportunity to refute the allegation(s).
 - (c) Subsequent to the conference the student shall be:
 - 1. Given notice in writing of the decision of the Vice President for the College;
 - 2. Advised of his/her right to a hearing before the Student Affairs Committee if request for a hearing is made in writing within five (5) days of notice of the Vice President's decision, or if appropriate, of his/her right to a contested case hearing pursuant to the "Tennessee Uniform Administration Procedures Act" (TUAPA), T.C.A. §4-5-301 et seq. The student may waive a hearing before either body, thereby accepting the decision of the

(Rule 0240-3-10-.05, continued)

Vice President for the College. If a waiver is elected, such must be documented in writing.

(2) Suspension Pending a Hearing.

- (a) A student accused of violating College regulations may be suspended pending a hearing by the Student Affairs Committee if the Vice President for the College determines that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or any other member of the College community or its guests, destruction of property, or substantial disruption of classroom or other campus activities.
- (b) In any case of interim suspension, the student shall be given an opportunity at the time of the suspension or immediately thereafter to contest the suspension. If there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as-soon-as possible.

(3) Disciplinary Hearing by the Student Affairs Committee.

- (a) The student shall be notified of the following at least seventy-two (72) hours prior to the date of the hearing:
 - 1. Time and place of the hearing;
 - 2. His/Her right to present his/her case to the committee;
 - 3. Written statement of the charges in detail sufficient to enable the student to prepare a defense;
 - 4. His/Her right to call witnesses;
 - 5. His/Her right to be accompanied by an advisor whose participation shall be limited to advising the student;
 - 6. His/Her right to confront witnesses against him/her.
- (b) Subsequent to the hearing, the student shall receive the written decision of the Committee which shall include any right of appeal;
- (c) The student shall have the right to appeal the decision of the Student Affairs Committee by submitting a written statement within five (5) days to the Vice President for the College who will render a final decision within ten (10) working days.

(4) "Tennessee Uniform Administrative Procedures Act." All cases which may result in (i) suspension or expulsion of a student from the institution for disciplinary reasons or (ii) revocation of registration of a student organization during the term of the registration are subject to the contested case provisions of the "Tennessee Uniform Administrative Procedures Act" and shall be processed in accordance with the uniform contested case procedures adopted by the Board of Regents unless the student waives those procedures in writing and elects to have his/her case disposed of in accordance with College procedures by these rules.

(5) Cases of alleged sexual assault. In cases involving alleged sexual assault, both the accuser and the accused shall be informed of the following:

(Rule 0240-3-10-.05, continued)

- (a) Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding;
- (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.

Authority: T.C.A. §49-8-203. **Administrative History:** Repeal of all rules by Public Chapter 261; effective July 1, 1983. New rule filed April 28, 1983; effective July 13, 1983. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1983; effective July 28, 1993. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002.

0240-3-10-.06 TRAFFIC AND PARKING REGULATIONS.

(1) General

- (a) Regulations are established and are applicable to all students, faculty, staff and visitors. The purpose of these regulations is to facilitate the safe and orderly conduct of College business and to provide parking facilities in support of this function within the limits of available space.
- (b) These regulations also apply to faculty and students teaching or attending UT Martin or the University of Memphis classes on the DSCC campus.
- (c) Dyersburg State is not responsible for loss or damage to any vehicle or to contents of any vehicle parked or being operated on the campus.

(2) Vehicle Registration Regulation

- (a) The Tennessee Board of Regents requires all motor vehicles parked on campus to registered with the College and to display a decal indicating that current campus access fees have been paid.
- (b) The decal should be placed on either the left rear bumper or the lower left corner of the rear window of the registered vehicle and should be visible at all times. Vehicles should, therefore, never be backed into parking spaces.
- (c) Anyone intending to operate more than one vehicle on campus must register and obtain a decal for each vehicle. Unregistered vehicles must be parked off campus.
- (d) Registration information for each vehicle is to include the name, address, telephone number, and social security number of the registrant of the vehicle and the year, color, make and license number of the vehicle.
- (e) Faculty and staff should purchase a decal at the beginning of the academic year in August. Decals may be purchased in the Business Office or at the Fall update. A campus access fee is paid by students when they pay their other fees at the beginning of the semester. UT Martin and/or the University of Memphis faculty and students may purchase a decal during the first class meeting from a representative of the Student Services Office. New employees will pay the full fee before January 1. After January 1, employees will pay one-half of the annual fee.
- (f) Visitor Parking permits are provided for the spaces set aside for visitor parking north of the Eller Building, the Glover Building, the Learning Resource Center, and east of the gym. A visitor is

(Rule 0240-3-10-.06, continued)

defined as a person not enrolled or employed at the College, but one who occasionally has business or other legitimate reasons to be on campus. Visitor permits are available in the Office of Student Services in the Student Center.

- (g) Anyone trading or selling an automobile with a DSCC decal must remove the decal and notify the Business Office of the transfer. All violations against the old or previously issued decals will be charged to the individual to whom it was originally issued.
- (h) Change in license plates must be reported to the Business Office within five (5) working days of such change.
- (i) Decals so damaged that the registration number and/or year of issuance are illegible must be replaced. Failure to replace a damaged decal within five (5) working days of notification will result in a citation.
- (j) The acceptance of a parking decal shall constitute acceptance of these regulations.

(3) Parking Regulations

- (a) No parking areas: loading areas, on sidewalks, on campus lawns, within 15 feet of a fire hydrant or within any area marked "No Parking." Any vehicle parked in any of these areas may be towed at the owner's expense.
- (b) Restricted parking as follows:
 - 1. In areas designated faculty/staff parking (yellow lines), parking is limited to vehicles with faculty/staff decals.
 - 2. In areas designated disabled, parking is limited to vehicles displaying disabled decals.
 - 3. In areas designated student parking (white lines), parking is limited to vehicles displaying DSCC decals.
 - 4. In areas designated visitor parking, parking is limited to vehicles belonging to visitors.
- (c) Vehicles improperly parked in restricted areas will receive tickets and may be towed at the owner's expense.
- (d) The acceptance of a parking decal shall constitute an acceptance of these regulations.

(4) Driving Regulations.

- (a) All State of Tennessee Motor Vehicles Laws are applicable on the DSCC campus 24 hours a day.
- (b) Vehicles must yield right-of-way to all emergency vehicles by pulling over and coming to a complete stop.
- (c) Pedestrians have the right-of-way. Motorists must yield the right-of-way to all pedestrians.
- (d) All vehicles must come to a complete stop at intersections where stop signs are located, painted on streets, or mounted on posts.

(Rule 0240-3-10-.06, continued)

- (e) Speed limits on all campus streets in 15 m.p.h.; in parking lots the speed limit is 10 m.p.h.
 - (f) Passing on campus streets is prohibited.
 - (g) Operating a motor vehicle in any area other than a street or roadway intended for motor vehicles is prohibited.
- (5) Enforcement and Payment of Citations.
- (a) Fines:
 - 1. For parking and registrations citations, other than disabled violations: \$10.00 for the first violation and \$20.00 for each violation thereafter.
 - 2. For illegally parking in a disabled zone: \$100.00 for each violation.
 - 3. For a moving vehicle violation: \$10.00 for each ticket issued.
 - 4. Tickets should be paid in the Business Office within five (5) working days of issuance.
 - (b) Appeal. The appeal of any citation may be made to the Traffic Citations Appeal Committee provided a request to appeal is filed with the Business Office within five (5) working days after the ticket is issued. If the notice of appeal is not filed within five (5) working days, the right of appeal is lost and the fine will be due immediately.
 - (c) Traffic Citations Appeal Committee. The Committee shall have three (3) voting members - one (1) representative each from faculty, staff, and student body, and two (2) ex-officio members - the Dean of Student Services and the Vice President for Finance and Administrative Services (Chairperson). The Committee decision will be final, with no further appeal available. The Committee will meet monthly as needed but no less frequently than once at the end of every semester.
 - (d) In the case of students, payment of the fine(s) must be made before the student will be permitted to register for any subsequent academic term. Also, no grade report, transcripts, or diplomas will be issued to any student with an unpaid debt or obligation to DSCC.

Authority: T.C.A. §49-8-203. **Administrative History:** Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed August 29, 2000; effective December 29, 2000.

0240-3-10-.07 REGISTRATION OF MOTOR VEHICLES.

- (1) Vehicle Registration and Parking Decals.
 - (a) Students must register their cars with the Student Services Office during registration.
 - (b) A decal will be issued each academic year.
 - (c) This decal should be placed either on the left side of the rear bumper or the lower left corner of the rear window of the registered vehicle.

(Rule 0240-3-10-.07, continued)

- (d) An access fee is charged to all students who attend one or more classes on campus per semester.

Authority: T.C.A. §49-8-203. **Administrative History:** Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990.